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The High Cost of the Anti-Communist Mania

There was one scene, in the final minutes, before the tense galleries, after three days of debate on McCarthy, with tired and impatient Senators crying "vote, vote", that would have entranced the creator of Babbitt. Capehart, that rotund Midwestern business man, was on the floor in a final plea to table any resolution of censure. "There have been times," Capehart told a Senate which could not have cared less, "when, if I could have gotten hold of him, I think I would have thrown him out. There have been other times when I thought, 'by golly, there is a great guy'." Capehart was maneuvering into position to agree with both the pro's and the anti's when he got back to Indianapolis.

It was comic, as comic as Welker's assurance that McCarthy must be a good man because he loved Welker's children "and he loves the children of *almost* every other Senator." But amid the burlesque, Capehart's main point faithfully reflected the confusions which haunt Main Street. Capehart declared "out of one corner of our mouths" we say we want billions of dollars to fight communism. We say "We are going to send your boys all over the world. You may have a third world war." Yet, Capehart continued, "on the other hand" we say "We do not like McCarthy because he is a little too rough and a little too tough with these so-called Communists." How explain that in South Bend or Little Rock?

How Fight McCarthy?

This is the heart of the Senate's difficulty. This is why for the sixth time in six years (since the Malmedy inquiry in 1949) the Senate is wearily setting up yet another committee to investigate charges against McCarthy with no more prospect than in the past of a decision. McCarthy is resourceful, unscrupulous and wily, but the Senate is full of politicians as deft and clowns as crafty. They would have brought him down long ago if it were not for the dilemma created by our own demonology. If Communists are some supernatural breed of men, led by diabolic master minds in that distant Kremlin, engaged in a Satanic conspiracy to take over the world and enslave all mankind—and this is the thesis endlessly propounded by American liberals and conservatives alike, echoed night and day by every radio station and in every newspaper—the thesis no American dare any longer challenge without himself becoming suspect—then how fight McCarthy?

If the public mind is to be conditioned for war, if it is being taught to take for granted the destruction of millions of human beings, few of them tainted with this dreadful ideological virus, all of them indeed presumably pleading for us to liberate them, how can we argue that it matters if a few possibly innocent men lose jobs or reputations because of McCarthy? Is not this additional cost too slight, are not the stakes too great? How contend for constitutional niceties while acquiescing in the spread of poisonous attitudes and panicky emotions?

How Resist Rhee?

Similar questions were raised by that other momentous scene of the past week, when the Congress in joint session greeted with shocked silence Syngman Rhee's summons to preventive war. The common currency day in and day out of Congresional discussion is the impossibility of dealing with the Russians, the wickedness of recognizing the Chinese, the danger in permitting East-West trade, the impossibility of reconciling communism and capitalism, the wickedness of those who speak of co-existence. If these are the assumptions of our national policy, how avoid the Syngman Rhee logic which flows from them? *Is* it not better to fight now? *Will* not the struggle be worse the longer it is delayed?

The silence which so pained Rhee indicated eloquently that behind the febrile rhetoric are sober men, prepared in fact to reconcile themselves to the co-existence whose possibility they deny. The danger in the rhetoric is that they dare not admit publicly, indeed hardly avow to themselves, the saner calculations of their actual policy. They are thus prevented from building up public support for the very policies their silence implies. They can still say "no" unmistakably when this maniacal old man from Korea plainly puts the proposition for war. But the atmosphere they help every day to thicken makes it more difficult to say "no" if Rhee goes back home and puts the question more slyly. If he creates an incident, or stages a provocation, if he precipitates war, how refuse to support him? Who will dare say in any situation that the Communists were not to blame? Have we not placed ourselves more and more at the mercy of a Rhee abroad, as of a McCarthy at home, by the steady propagation of paranoid attitudes on Communism?

Writ in the skies of the H-bomb era is the warning that mutual destruction is the alternative to co-existence. Until there is a national leadership willing to take a pragmatic view of revolution, a charitable and Christian view of the misery that goes with the great rebirths of mankind, a self-respecting view of the example a free America can set and the constructive leadership an unafraid America can give, we cannot fight the drift to Fascism at home and war abroad. We cannot inculcate unreasoning hate and not ultimately be destroyed by it ourselves. We who prate constantly of "atheistic communism" forget that this is what all the great Teachers of mankind have taught. There is a retribution that lies in wait for the arrogant and the self-righteous. Where is the man big enough to reach the American people with this message before it is too late?

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A French Expert on German Affairs Discusses Dr. John's Flight Eastward

Behind The Scenes of German Intelligence

By Bertrand Ferney

Special Writer on German Affairs for *L'Observateur*

Paris—Western Germany has three organizations of espionage: (1) the Federal office for the protection of the Constitution at Cologne, of which Otto John was the director, (2) the organization headed by the ex-Hitlerite General Gehlen, situated at Pullach, near Munich, (3) the counter-espionage section of the "Bureau Blank," the nucleus of the future War Ministry of the Bonn government.

The first was created in 1950. Its official purpose was to protect the young German republic (established in the Fall of 1949), against the threat of neo-Nazism as well as Communist infiltration from the Eastern zone. Its network of agents was not allowed to operate beyond the frontiers of Western Germany. German rearmament had not yet been decided upon and it was then out of the question for the Western allies to tolerate a German espionage service abroad.

Evidently that did not prevent the four occupying powers from utilizing "local talent" in their own intelligence services. In 1954 the Americans captured Brigadier General Reinhardt Gehlen and immediately put him to work. During the war Gehlen had been the chief of the Nazi espionage section for the Russian front. The Americans set him up in a headquarters near Munich covering 35 acres entirely surrounded by barbed wire and containing its own shops and schools.

Unlike the office headed by Dr. John, that which was established under Gehlen was planned for offensive purposes. Ever wider tasks were assigned to it. At present its network of agents covers not only the Soviet zone of Germany but the "Popular Democracies" and the U.S.S.R. and extends as far as China.

Bitter Rivalry Between Them

The relations among these three agencies were bad. In addition to the personal rivalries common in this type of organization, there existed among them genuine differences of principle. Dr. John was violently opposed to the Gehlen organization and complained regularly to Bonn about the activities of this espionage center, staffed with former high officials of the Nazi regime. But it was known in Bonn that Dr. John did not have the ear of Adenauer. Dr. John had been presented to the Chancellor before his appointment to office, but had never been received by Adenauer since.

The Chancellor on the other hand is very proud of the Soviet bloc intelligence of which he can make use at international conferences, thanks to the Gehlen organization. Despite the occupation statute, this American espionage center communicates directly with the Western German government, which has become its real directing authority. Last December 11 Gehlen addressed a secret session of the Parliament at Bonn and obtained a considerable success.

The authorities at Bonn in their relations with the Americans make much of the role they can play in Europe by virtue of the fact (1) that Western Germany is free of Communism and (2) that it possesses the best specialists and unequalled sources of information (Soviet zone contacts, repatriated war prisoners, etc.) on questions pertaining to Russia.

Bonn's Anti-Soviet Ambitions

Bonn believes it ought to handle for the United States all espionage and agitational activities within the European portion of the Soviet bloc. In this connection the Germans have recently developed their contacts with various groups of refugee politicians from Eastern Europe; according to the Germans, the propaganda of the American organization "Free Europe" has almost completely failed.

No less than 11 institutes for the study of East European questions are already functioning in West Germany. The Gehlen organization has also developed an internal German network which had begun to compete directly with the work of Dr. John's organization. Last June 28, Bonn's Minister of the Interior, Dr. Schroeder, informed the latter that the government had decided to do without its services.

The Chancellor had never pardoned Dr. John for having furnished several months ago the information on which the British journalist Sefton Delmer (Dr. John's former chief in the intelligence service at the end of the war) in a series of articles for the London *Daily Express* had exposed the return of former Nazis to important posts in the Bonn regime.

One can say that whatever were the services rendered to the Federal government by Dr. John's organization (and it had recently been accused of unlawful surveillance over the Chancellor's personal opponents), it was slated to be supplanted finally by the Gehlen organization.

Why The Flight Eastward?

But it still remains to be known just why these facts should have led Dr. John to East Berlin. None of his detractors have suggested that he was a Soviet agent. Besides, some time ago, he had informed the British authorities in Germany that a former Nazi diplomat, Herr Zu Putliz, had come from Eastern Germany to ask him to work for the Russians. Dr. John had demanded that they arrest Putliz. Sefton Delmer said of Dr. John: "I know that he detests the Soviet system even more than Hitlerism."

Dr. John's relations with British Intelligence are less clear. While it is certain that the British favored his appointment in charge of German intelligence, it is also true that the official responsible for the appointment, the former Bonn Minister of the Interior, Dr. Lehr, said: "I made my decision without pressure from any of the occupying powers."

There is one fact on which all those who know Dr. John agree—his hatred for the Nazis. After the frustration of the July 20 (1944) plot against Hitler, he fled to Spain and from there to Portugal and Britain. His brother was hanged for his part in the same affair. Those who witnessed the recent ceremony in Berlin commemorating the plot noticed the tears and even sobs which drew reproachful looks toward him from bystanders. His conduct from the time of his landing at the Berlin airdrome was very strange: in the course of the official reception he hardly responded to questions and did not seem to recognize old friends.

Feared Return of the Nazis

Those who knew him well are convinced that his disappointment in the continued partition of Germany and in the return to power of ex-Nazis in ever greater numbers pushed him into fleeing beyond the Iron Curtain. Karl Robson of the London *News-Chronicle* tells the following story: "I saw him enter my room in Bonn one day last year. He clicked his heels and gave that intensely Prussian half bow he so much detested. 'Do not laugh,' he said, 'It is no laughing matter. They are coming back, and believe me, they have learned nothing. I am terrified when I think of Germany,' John told me, 'and with all the Nazis that we see returning to important posts, I would not give much for my chances when the allies have left.'"

Sure of being dismissed when the occupation ended, seeing himself surrounded by hatred or contempt, Dr. John (according to some reports) took to drink. He seemed to have wanted to anticipate his ultimate discharge and sought to create a sensation. Remembering the excitement provoked by the flight of the British diplomats Burgess and MacLean to the U.S.S.R., Dr. John wished by his departure and his declarations on the East Berlin radio to awaken the conscience of his countrymen and to warn them that continued partition of the Reich must lead to war.

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Celler Leads Minority Protest as House Passes Immunity Bill

"By This Device ... We Turn Men of Conscience into Informers"

A complex immunity bill (S 16 amended) was reported out by the House Judiciary Committee last Tuesday and passed 293 to 55 after a scant 40 minutes of debate the following day. While the Democratic leader, Rayburn (Tex.) *and the party whip, McCormack* (Mass.) *failed to vote, Celler* (D., N.Y.), *ranking minority member of the Judiciary Committee, made a passionate plea against passage to an indifferent chamber. Multer* (D., N.Y.) *and Dodd* (D., Conn.), *an ex-FBI man, joined him in opposing the bill, assisted by friendly questions from Klein* (D., N.Y.) *and Javits* (R., N.Y.). *Multer protested that the House was being rushed into a vote on a complicated measure without adequate time to examine it or read the committee report, which was not available until Wednesday morning.*

The House bill, as revised by Keating (R., N.Y.) *and Walter* (D., Pa.), *rejects Brownell's request to grant the Attorney General authority in all cases to compel testimony on grant of immunity to witnesses before Congressional committees, grand juries and courts. Instead it provides that such grant can be made only on application to a Federal district court judge, and in cases involving danger to the national security or defense. It differs sharply from S 16, the McCarran bill passed last year by the Senate, which would give immunity power to Congressional committees. This difference may lead to a clash between the two Houses, blocking passage this late in the session.*

We here present the heart of the minority report filed on this historic measure by Congressman Celler and three other members of the Judiciary Committee, Sidney A. Fine (D., N.Y.), *Byron S. Rogers* (D., Colo.) *and Usher L. Burdick* (R., N.D.). *There is still time to write your Senator and help block this measure in the Senate. The excerpts which follow are from House Rep. No. 2606, to accompany S 16 amended:*

"It is true that Congress has authorized the granting of immunity by a number of Federal agencies to witnesses appearing before such bodies. But this has been principally confined to hearings on specific violations of statutes which such regulatory authorities are entrusted to enforce or to hearings and investigations conducted in connection with specific statutory powers.. Furthermore the functions of these agencies are generally related to the field of economic regulation where their inquiries touch more upon the rights of corporations, to which no privilege aganst incrimination attaches, than to the rights of individuals. Moreover, witnesses before these agencies have recourse to the courts in matters relating to their immunization. The court is the final arbiter . . .

Congress Is Not a Grand Jury

"What legislative lack does the reported bill fill? It is not the function of Congress to expose private personal guilt. It is not the function of Congress to prepare cases for prosecution. It is not the function of Congress to relieve the executive branch of the Government of its constitutional responsibility of law enforcement. When a committee of Congress investigates, it does so to gather evidence for its own purposes, that of legislating wisely and adequately. The investigations of Pearl Harbor, Teapot Dome, the work of the Truman Defense Committee and the La Follette Civil Liberties Committee did not suffer for lack of congressional power to immunize witnesses. In the areas of treason, sabotage, espionage, sedition, the Communist conspiracy, etc., the Congress has not heretofore hesitated to legislate, though lacking power of immunization, session after session in its history.

"The sought after evidence of the recalcitrant witness can now give up—what? More of the same thing? The facts of the evil and danger of the international Communist conspiracy have been spread before Congress by a march of voluntary witnesses, ranging from employes of the FBI to the ubiquitous ex-Communists. Beyond that lie only the exposure and prosecution of guilt, which is the business of the executive.

"Neither court nor grand jury, the Congress, through its investigating committees, grants its witnesses neither the judicial safeguards of the courts, nor the secrecy of grand jury proceedings. The committees' simulation of both court and grand jury, strengthened by the provisions of this bill, is derogatory of both the Congress and the witness. The committee may throw the cloak of immunity around the witness and preclude his prosecution, but no shield stands between the witness and the social ostracism, the loss of employment, the denial of a passport, or housing in a Federal project, or membership in a trade union or association, all possible consequences flowing from forced testimony. Remember, we are dealing here with the helplessness of an individual before the power of an arm of the state, the very base upon which the constitutional prohibition against self-incrimination rests. Joseph N. Welch, counsel for the Army in the Army-McCarthy hearings, has eloquently stated:

Joseph N. Welch on the 5th Amendment

"'Our Founding Fathers were familiar enough with the history of the Middle Ages to know that "justice" in that time took some peculiar forms. They knew that the formal trial of a citizen often began by placing him to torture, with someone standing by to take down that era's equivalent of a stenographic transcript of the "confession" he made in his agony. The transcript was then piously and lugubriously produced in court as proof of the poor devil's guilt. The framers of the Bill of Rights were determined that this should never happen in this fair country of ours and in this spirit they wrote the Fifth Amendment . . .'

"By this device to compel testimony, we turn men of conscience into informers. This is nasty business. There are those who in the 1920's, misunderstanding or disbelieving the nature of the Communist evil, flirted for a period with Communist and Communist front organizations. In testifying they retreat behind the wall of the Fifth amendment, not, as some have said, to hide their own involvement, but to shield from public expose friends and neighbors who may have been similarly and innocently involved.

"Human frailty is such that compulsory testimony can and has acted in the past to idemnify rogues, encourage those who wish to curry favor with the examiners, and to open up avenues leading to speculation, exaggeration and lies. The malevolent, the wicked and frightened would testify as desired . . .

The Price of Freedom

"It is admitted that there are those who testifying before Congressional committees abuse the privilege against self-incrimination accorded by the Constitution. Yet we know many do not now answer who would do so if they were assured of fair treatment by the committee. These witnesses refuse to subject themselves to abuse. A committee conscious of the rights of witnesses and operating under rules to protect those rights would elicit much information now denied them. We could then see how unnecessary the proposal before us would be. There are those who always will abuse this privilege but this is the price we must pay for the maintenance of our liberties.

"We are dealing here with the elements of the First as well as the Fifth amendment of the Constitution. We cannot legislate outside of the context of our climate of opinion. There is presently an unbecoming shrillness, fed into hysteria by political would-be saviors, in our approach to problems of internal communism. It is our legislative responsibility to bring this problem back into focus into its proper dimensions, free of exaggerations and obsessiveness. S 16 is a denial of that responsibility."

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Round A (Woozy) Capitol and An (Unsteady) Globe

During debate on the McCarthy resolution, Senator Jenner may have thrown some light on why McCarthy was so anxious to investigate communism in the government printing office. Jenner complained that when the Senate subcommittee on privileges and elections drew up its famous report on McCarthy "they hand-carried the requisition [for the printing] down to the Public Printer, and a man who holds a high position in the Government Printing Office was so concerned about seeing that the report was delivered promptly, so that it could be circulated over the country, that he personally rode on the truck which delivered the report to the subcommittee" . . . Next time there's a report on McCarthy the Public Printer will know better. If patriotic (or at least discreet), he'll just lose the copy.

When Flanders, in opening the debate, criticized McCarthy for ill-treatment of General Zwicker, he was interrupted by Welker who asked whether Flanders had seen an INS report of a speech made by the General at MIT June 11 when 146 seniors were commissioned as Reserve officers . . . "General Zwicker," the report on his address began, "believes democracy and communism must find a means of co-existence . . . " Welker seemed to imply that a General who believed in co-existence could not be treated too harshly.

American and French colonial propaganda have built up a picture of helpless folk fleeing from "slavery" in Northern Indo-China which heavy censorship is striving to maintain but . . . the *Washington Star*, the AP's "home organ" which publishes practically the entire Associated Press file, ran a dispatch from Hanoi August 1 most papers ignored . . . "Many Frenchmen in Hanoi," the headline said, "Apathetic About Evacuation. Vietnamese Even Slower to Register to Leave Vietnam Before Viet Minh Take Over." . . . A delayed OFNS dispatch from Hanoi in the *Jerusalem Post* of July 30 helped to explain why: it declared French were cheered by Viet Minh assurances on French cultural and economic interests, and said "The French Chamber of Commerce met here this afternoon to discuss plans for continuing business after the arrival of the Viet Minh in Hanoi" . . .

There is suspicion of Eisenhower's choice of an Army engineer to be chairman of TVA because the Army engineering corps has usually been the ally of private power interests . . . Watch for sharp questioning at the hearings on the nomination which begin today before the Senate Public Works Committee . . . General Motors profits rose to a record high in the first six months of 1954, despite a 22 percent decline in defense orders . . . That decline speaks well for Charles E. Wilson and upsets the Left stereotyped picture of a GM executive using the Secretaryship of Defense to ladle out more defense work to GM . . . Best comment on the Eisenhower tax bill is that the one Republican who has been carrying on a crusade against tax corruption and abuses, Williams of Delaware, was one of the three Republicans who voted against the tax bill in the Senate . . . The Robert M. Harris to whom the Woodring letter about Marshall was addressed is the famous cotton broker who was so prominent among Father Coughlin's backers.

The country is indebted to those sixty prominent men at the American Assembly for daring to talk a little sense on China, and to oppose a rigid bar against Peking's entrance to the UN . . . They also stressed the importance of the war against poverty, praising the UN Technical Assistance Program as a major weapon . . . "Its potential power to destroy the influence of communism on the minds of men is as great," their joint report said (N.Y. Times, Aug. 3), "as the power of the hydrogen bomb to destroy the bodies of men" . . . They did not add that while we have already invested 12 billion dollars in that power to destroy, the Administration is having difficulty in getting $9,000,000 out of this Congress to meet our share of this year's UN Technical Assistance program . . .

Creeping Socialism Dept: The American Legion, otherwise stoutly anti-collectivist, opened a campaign last week against the A.M.A. for attacking those "socialistic" hospital and medical services the government provides veterans . . . The U.S. might be defined as a country in which every group is opposed to "socialism", i.e. government aid and protection, except for themselves . . .

Mouthful Dept.

". . . let us think twice before we adopt a code of ethics such as is proposed, because no matter what kind of code may be adopted, it cannot make a bad chairman good."

—Welker (R., Idaho), speech to the Senate in defense of McCarthy, Aug. 2 (Con. Rec. p. 12329)

"I am not contending that it is inconceivable that an innocent man should be damaged as the result of a congressional investigation."

—McCarthy, testifying against regulation of committee procedure before the Senate Rules Committee, July 27.

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